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Getting Arrested—Applications

Checklist: Documents Your Attorney Will Need

If you have been arrested for a crime, your attorney will need to know many different things about your case. In addition, your attorney may be interested in seeing documents relating to your alleged crime. Some of these documents may be in your possession. Other documents might be kept by other people or the government, but will be relevant to your case. The following is a checklist of some of the documents that might be relevant to your defense, depending upon the type of crime you have committed.

_____ **The Arrest Record.** If you have been arrested, there is a written report of your arrest that the police have filled out. Your attorney will want a copy of that report so he or she can review the date, time, and place of your arrest. In addition, the report will provide information about the suspected crime.

_____ **The Police File.** Chances are, the police have created a file on you during their investigation of whether you committed a crime. The file may contain photographs, maps, notes from interviews, evidence logs, and other information uncovered in the investigation. Your attorney is entitled to see a complete copy of the police file so that he or she can fully defend you. In other words, your attorney needs any evidence that the police have that tends to incriminate you or exonerate you.

_____ **Your Criminal Record.** If you have ever been arrested before, your attorney will want to know about the details of your criminal record. He or she can obtain that information from you, and can also obtain a written copy of that information by requesting a copy of your criminal record from the relevant jurisdictions. Your record will show any crimes you have been arrested for, and whether you have served any jail or prison time for those crimes.

_____ **Your Motor Vehicle Records.** If you are charged with a crime that deals in any way with your car or another motor vehicle, your attorney may want to obtain a copy of your motor vehicle records from the government. For instance, if the police were looking for a person fitting your description who drives a blue car, but your car is green, your motor vehicle records can help your attorney prove that you are not the person the police were looking for.

_____ **Your Medical Records.** Your medical records may be relevant in some criminal cases. For example, your arrest record states that the police chased you for ten

blocks before they could capture you. Your medical records show that you have severe asthma which prevents you from jogging for more than one block at a time. Your attorney may want those records to be admitted into evidence to show that the police are being untruthful about your arrest. In addition, your attorney may also need evidence, from your medical records, of any prescription drugs that you were taking at the time of the alleged crime in order to determine whether any of those drugs may have impaired your abilities to think or act appropriately.

_____ **Your Mental Health Records.** If you have a history of mental health treatment, your attorney will need a copy of those records. Your mental health may have an impact on the defense of your case. For example, your mental state may enable you to plead insanity as a defense. Your attorney can use your mental health records as evidence of insanity if appropriate.

_____ **Paper Trails.** This is a broad category covering all types of documented evidence. For example, a paper trail may be important if you have been accused of a "white-collar" crime such as tax evasion. The written record of your tax filings will be essential in determining whether you have in fact committed a crime. As another example, if you have been accused of committing a crime in Detroit, Michigan, on a night you claim that you were on a business trip in San Francisco, California, your attorney will want to see any paper trail created on that trip, such as airline tickets, long-distance telephone bills, and hotel and restaurant receipts, in order to prove that you could not have committed the crime.

_____ **Information About Witnesses.** If you believe there were witnesses, particularly those that were not contacted by the police during their investigation, you should provide your attorney with a list of their names and addresses if that information is known to you. If you do not know their names, at least provide your attorney with any information you know about the persons, such as physical descriptions and locations at the time of the crime. You never know what witness may be the one to provide you with a solid defense.

_____ **Information About Your Alibi.** If you claim to have an alibi for your whereabouts at the time of the alleged crime, you should provide your attorney with the name and contact information of anyone who can confirm that alibi. This may be crucial evidence in supporting, or rejecting, your defense.